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April 8, 2005

## Amendment/Response Transmittal Letter

Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313

RE: Claude Ray, Serial No. 10/824,827

Dear Sir/Madam:

Enclosed please find an election of species on behalf of the above referenced applicant.

Respectfully submitted,

Kenneth L. Tolar  
Attorney at Law

KLT/jmt  
Enclosure  
cc: Joe Koll(w/encl.)

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Hon. Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313 on this 8<sup>th</sup> day of

Apr. 1, 2005.

Kenneth L. Tolar (Name of person making deposit)

*Kenneth L. Tolar* (Signature)

4. 8. 2005 (Date)



Respectfully submitted,

Kenneth L. Tolar

Registration No. 39,860

Telephone No. (504) 831-4357

cc: Joe Koll

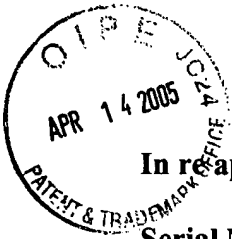
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Kenneth L Tolar (Name of person making deposit)

(Signature)

4.8.2005 (Date)



**In re application of Claude Ray et al**

**Serial No.: 10/824,827**

**Filed: 04/15/2004**

**For: Jewelry Item with Rotating  
Gemstone**

**Date: April 8, 2005**

**Group Art Unit: 3677**

**Examiner: Reese, David**

Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313

Mail Stop: Non-fee Amendment

#### **Election of Species**

Dear Sir/Madam:

In response to the communication dated March 8, 2005, applicant hereby elects the species contained in Figures 3-5, 6 and which is encompassed by the following pending claims 1-5 and 7-10. Claim 1 is generic.

1. (Previously submitted) A jewelry item with a rotating gemstone comprising:  
a substantially hollow housing having an upper end and a lower end;  
a bezel rotatably mounted on the upper end of said housing;  
a gemstone mounted on said bezel;  
a motor means received within said housing for automatically rotating said bezel and said gemstone at a predetermined, discrete speed.

2. (Previously submitted) The jewelry item according to claim 1 further comprising a gear assembly including a plurality of gears driven by said motor means and operably connected to said bezel, said gears having a predetermined, precise gear ratio for rotating said bezel at a discrete speed.

3. (Previously submitted) The jewelry item according to claim 2 wherein said discrete speed is between 2 and 4 revolutions per minute.

4. (Previously submitted) The jewelry item according to claim 1 wherein said motor means is a quartz movement motor.

5. (Previously submitted) The jewelry item according to claim 4 wherein said quartz movement motor includes a casing having an outer edge with an indentation thereon, said indentation substantially aligned with an opening on an outer wall of said housing, said indentation having at least one electrical contact therein, said electrical contact electrically connected to said motor;

a switch hingedly secured at a first end to said housing, said switch carrying a battery thereon, said switch having a free end which is pivotal towards and away from said housing to selectively position said battery against said contact.

7. (Previously submitted) The jewelry item according to claim 2 wherein said gear

assembly further comprises:

a drive gear connected to said motor means;

a lower spacer plate superimposed on said drive gear, said spacer plate having an aperture with said drive gear received therein;

an intermediate gear engaging said drive gear, said intermediate gear having an upper surface with a sprocket extending therefrom;

a bezel gear connected to said bezel and engaging said sprocket.

8. (Previously submitted) The jewelry item according to claim 7 wherein said lower spacer plate includes a depression thereon that receives said intermediate gear.

9. (Previously submitted) The jewelry item according claim 8 further comprising an upper spacer plate superimposed on said lower spacer plate with said intermediate gear positioned therebetween.

10. (Previously submitted) The jewelry item according to claim 7 further comprising:

a neck projecting upwardly from said bezel gear, said neck having a peripheral lip;

said bezel receiving said neck and including a circumferential slot positioned beneath said lip;

a clip received within said slot to retain said bezel on said neck.